

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10cv485**

MARIANO HERNANDO OSPINA,)
)
 Appellant,)
)
 v.)
)
WARREN L. TADLOCK)
)
 Appellee.)

)

ORDER

THIS MATTER is before the Court on Appellant (and Debtor) Ospina’s pro se “Motion to Leave on Appeal in Forma Pauperis” (Doc. No. 2); the Order of the U.S. Bankruptcy Court for the Western District of North Carolina, Charlotte Division, denying Appellant’s Motion (Doc. No. 6); and the Memorandum to District Court from Bankruptcy Clerk re: Filing Fee, Designation (Doc. No. 4).

Pursuant to the Federal Rules of Bankruptcy Procedure, Rule 8001(a), this bankruptcy appeal requires the Court’s attention because Appellant has failed to pay the \$255.00 filing fee required by 28 U.S.C. § 1930, despite being notified in writing on September 30, 2010 and being given ten days to pay the fee. Although Appellant submitted a Motion to Proceed In Forma Pauperis, this was denied by Order of the U.S. Bankruptcy Court on October 27, 2010. Appellant has also failed to file, within 14 days after filing the notice of appeal, the designation of the items to be included in the record on appeal and a statement of the issues to be presented to the U.S. District Court, as required by Fed. R. Bankr. P. 8006. This Court thus orders that Appellant submit payment of the filing fee to the Clerk of the U.S. Bankruptcy Court within ten

days, and file with the clerk and serve on the appellee a designation of the items to be included in the record on appeal and a statement of the issues within ten days. Failure to conform with this Order may result in dismissal of this appeal. See Fed. R. Bankr. P. 1017(b) and 8001(a).

IT IS, THEREFORE, ORDERED that:

1. Plaintiff is advised to submit payment of the \$225.00 filing fee to the U.S. Bankruptcy Court within ten days.
2. Plaintiff is advised to file a designation of the items to be included in the record on appeal and a statement of the issues to be presented to the U.S. District Court within ten days.
2. The Clerk is directed to send a copy of this Order, return receipt requested, to Plaintiff and a copy to the Bankruptcy Court.

Signed: November 2, 2010

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

